

NIH GRANTS POLICY STATEMENT (REV. 12/03): CORRECTION to INVENTION,
LICENSING AND PATENT COSTS

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NOTICE: NOT-OD-04-045

National Institutes of Health (NIH)

The purpose of this Notice is to correct the statement on the allowability of invention, licensing and patent costs under Part II "Terms and Conditions of NIH Grant Awards, Cost Considerations, Selected Items of Cost, Invention, Patent, or Licensing Costs" that is included in the revised NIH Grants Policy Statement (NIHGPS, rev.

12/03) located at

http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part6.htm#inv.

The previous language in the NIHGPS is:

Unallowable either as direct or F&A costs because creation of intellectual property is not a requirement of NIH grant awards. Such costs include licensing or option fees, attorney's fees for preparing or submitting patent applications, and fees paid to the U.S. Patent and Trademark Office for patent application, patent maintenance, or recordation of patent-related information.

The revised text now states:

Unallowable as a direct cost unless specifically authorized on the grant award. May be allowable as F&A costs, provided they are authorized under applicable cost principles and are included in the negotiation of F&A cost rates. Such costs include licensing or option fees, attorney's fees for preparing or submitting patent applications, and fees paid to the U.S. Patent and Trademark Office for patent application, patent maintenance, or recordation of patent-related information.

This change is required for consistency with the provisions of several cost circulars.

SUMMARY

Please note these corrections and clarifications in your copy of the NIHGPS (rev. 12/03). Both the HTML and PDF versions of the NIHGPS have been revised. The revised page, may be downloaded in Adobe Acrobat format from the OER Grants Policy and Guidance site, located at http://grants.nih.gov/grants/policy/nihgps_2003/index.htm

Questions about this Notice should be referred to the Grants Management Specialist identified on the Notice of Grant Award.

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